



State of Florida
Department of Children and Families

Rick Scott
Governor

David E. Wilkins
Secretary

Office of Inspector General

Enhancing Public Trust in Government

REDACTED

OLG Investigation
2011-0108
April 27, 2012

Christopher T. Hirst
Inspector General

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accountability and integrity of State Government.”***



Mission: Protect the Vulnerable, Promote Strong and Economically Self-Sufficient Families, and
Advance Personal and Family Recovery



DEPARTMENT OF CHILDREN AND FAMILIES

OFFICE OF INSPECTOR GENERAL

David E. Wilkins
Secretary

Investigative Report
Case Number: 2011-0108



Christopher T. Hirst
Inspector General

INTRODUCTION

Section 409.1671, Florida Statutes (F.S.), directs the Department of Children and Families (Department) to outsource the provision of family services by contracting with qualified organizations for an integrated system of Community-Based Care (CBC). Through Department Contract #CJ809, between the Department and Partnership for Strong Families, Inc. (PSF), covering the period of July 1, 2008 through June 30, 2011,¹ PSF serves as the lead CBC agency in Circuit 3's and Circuit 8's area of responsibility.² Through PSF Contract #PCM106, covering the period of July 1, 2011 through June 30, 2012, Devereux Foundation, Inc. (Devereux) is subcontracted to provide foster care and related services to clients in Baker, Bradford, Columbia, Dixie, Gilchrist, Levy, and Union Counties.

On September 29, 2011, the Florida Abuse Hotline³ (Hotline) documented Florida Safe Families Network⁴ (FSFN) Intake Report #2011-220301, based on a caller's allegations that family violence by the paramour of [REDACTED] (the Mother) threatened her and her children and that the Mother provided inadequate supervision of her children. The Hotline assigned the Intake Report to Circuit 19⁵ for investigation. The investigation was closed on November 22, 2011.

On November 9, 2011, Circuit 19 Program Administrator Robert McPartlan reported to the Office of Inspector General (OIG) that Circuit 19 Child Protective Investigator Supervisor (CPIS) William Miller noticed that Mandy LaRoy, a case manager in North Florida,⁶ had accessed FSFN Investigation #2011-220301. He explained that Mr. Miller had audited the investigation to determine whether an Out-of-Town Inquiry⁷ to Osceola County had been completed. According to Mr. McPartlan, Mr. Miller learned

¹ Contract #CJ809 was renewed, covering the period of July 1, 2011 through June 30, 2014.

² Circuits 3 and 8 include Alachua, Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Lafayette, Levy, Madison, Suwannee, Taylor, and Union Counties.

³ The Florida Abuse Hotline serves as the central intake and referral point for all reports of suspected abuse, neglect, or exploitation of children, disabled adults, and the elderly.

⁴ The Florida Safe Families Network (FSFN) is Florida's federally funded Statewide Automated Child Welfare Information System (SACWIS) and, as such, is the state's primary record for each investigation and case pursuant to Rule 65C-30.001 (134), Florida Administrative Code (F.A.C.). The SACWIS contains all reports, investigations, and cases regarding child abuse, neglect or abandonment and pertinent information regarding all activities involved in investigative and case management functions.

⁵ Circuit 19 covers Indian River, Martin, Okeechobee, and Port St. Lucie Counties.

⁶ Although Mr. McPartlan was unsure of Ms. LaRoy's employment, it was later determined that Ms. LaRoy had been employed by Devereux as a Family Care Counselor. Effective November 11, 2011, Ms. LaRoy was no longer employed by Devereux.

⁷ Out-of-Town Inquiry is a request for services or assistance that originates from intrastate, interstate, or international sources. Requests for services may include, but are not limited to, predisposition summaries, home evaluations, and courtesy supervision.

from the assigned Circuit 19 Child Protective Investigator (CPI), JoAnn Kinslow, that Ms. LaRoy was the [REDACTED] of the Mother listed in the investigation.

Based on Mr. McPartlan's request for investigation, an investigation was initiated by the OIG on November 10, 2011.

ALLEGATION AND FINDINGS

Allegation

Devereux Foundation, Inc. Family Care Counselor Mandy LaRoy accessed the Intake Report and Investigation for FSFN #2011-220301 without a legitimate business reason. If supported, the allegation would constitute a violation of Section 26.c. and Attachment I B.1.a.8), 9), and 13) of Department Contract #CJ809 between the Department and Partnership for Strong Families; Article 4 V.4. and Attachment I B.3.c.2) of Contract #PCM106 between Partnership for Strong Families and Devereux Foundation, Inc.; Section 4.3 13 of Partnership for Strong Families Policy 916; and a potential violation of §815.06(1)(a), F.S.

Findings

The information obtained **supports** the allegation.

Testimony of Circuit 19 Program Administrator Robert McPartlan and Child Protective Investigator Supervisor William Miller

Mr. McPartlan and Mr. Miller confirmed the information contained in the Introduction section of this report.

Testimony of Devereux Foundation, Inc. Program Director Jennifer Works

Ms. Works provided the OIG Investigator a copy of an email Ms. Works had received from her supervisor on November 10, 2011. Ms. Works explained that the email had originated from the Department's Central Region Regional Family and Community Services Director through the Department's Northeast Region Interim Managing Director to the President/Chief Executive Officer of PSF, who then forwarded it to her Supervisor at Devereux on November 9, 2011. She relayed that the email stated an audit had determined that on September 29, 2011 and October 14, 2011, Ms. LaRoy had accessed the FSFN Intake Report #2011-220301 and the resulting FSFN Investigation #2011-220301 of the Mother.⁸

Ms. Works stated that she and Ms. LaRoy's supervisor, Devereux Quality Assurance Specialist Ashley Fuquay, asked Ms. LaRoy about accessing her [REDACTED] FSFN investigation, to which Ms. LaRoy responded that she only ran a search to see if her [REDACTED] had an open investigation. Ms. Works said that she explained to Ms. LaRoy that the FSFN audit trail would reflect how many times she accessed the file; however, Ms. LaRoy did not change her statement. Ms. Works stated that Ms. LaRoy was placed on administrative leave on November 10, 2011 and a disciplinary meeting was

⁸ Circuit 19 child protective investigations staff determined that Ms. LaRoy was the [REDACTED] of the Mother listed in the investigation.

held on November 11, 2011.⁹ According to Ms. Works, Ms. LaRoy did not deny the allegation.

Testimony of Devereux Foundation Inc. Quality Assurance Specialist Ashley Fuquay

Ms. Fuquay related that Ms. LaRoy was employed with Devereux as a Family Care Counselor from June 2010 until November 11, 2011, and during the majority of that time, she (Ms. Fuquay) was Ms. LaRoy's supervisor. She explained that Ms. LaRoy was responsible for conducting visits, making referrals, and assisting with getting services for families served by the agency. Ms. Fuquay confirmed that Ms. LaRoy was never assigned to her [REDACTED] FSFN case; therefore, Ms. LaRoy had no legitimate business reason to access it. According to Ms. Fuquay, Ms. LaRoy had approximately 20 cases on her caseload. Ms. Fuquay stated that at the disciplinary meeting, Ms. LaRoy was very remorseful and said that she had "messed up."

FSFN Intake Report #2011-220301 and Investigation #2011-220301 Audit Trails

The OIG Investigator's review of FSFN Intake Report #2011-220301 and FSFN Investigation #2011-220301 audit trails revealed:

- Ms. LaRoy initiated a FSFN search for the Mother's name and accessed FSFN Intake Report #2011-220301 on September 29, 2011, at 1:12 PM.
- Ms. LaRoy accessed the Initial Case Assessment (dated September 30, 2011) for FSFN Investigation #2011-220301 on October 14, 2011, at 10:47 AM.

Department Security Agreement Form (CF 114) and Security Awareness Training Certificates

The OIG Investigator reviewed two signed Department Security Agreement Forms (dated August 26, 2010 and March 11, 2011) and Security Awareness Training Certificates (dated September 14, 2010 and May 19, 2011) that were maintained in Ms. LaRoy's Devereux personnel file.

- The Security Agreement Form states, in pertinent part:

By my signature below, I acknowledge that I have received, read, understand and agree to be bound by the following:

- *It is the policy of the Department of Children and Families that I do not obtain information for my own or another person's personal use.*
- *I will only access or view information or data for which I am authorized and have a legitimate business reason to see when performing my duties. I shall maintain the integrity of all confidential and sensitive information accessed.*

⁹ According to the Devereux Florida Employee Counseling Session Form, Ms. LaRoy was not authorized to access or view any case work or investigations surrounding her immediate family members.

- *“Casual viewing” of employee or client data, even data that is not confidential or otherwise exempt from disclosure as a public record, constitutes misuse of access and is not acceptable.*
- Slide 12 of the Department 2011 Security Awareness Training states, in pertinent part:

“Casual viewing” of employee or client data, even data that is not confidential or otherwise exempt from disclosure as a public record, constitutes misuse of access and is not acceptable (i.e., viewing a family or friend’s case file that is not assigned to you).

Testimony of Former¹⁰ Devereux Foundation Inc. Family Care Counselor Mandy LaRoy

Ms. LaRoy admitted that she accessed FSFN [Intake Report/Investigation] #2011-220301 on two different occasions. She stated that she accessed the case the first time in September 2011 because [REDACTED] (the Grandmother) had told her that she (the Grandmother) was kicking the Mother and the children out of her (the Grandmother’s) home and [REDACTED] and she (Ms. LaRoy) wanted to see if an actual report had been called in [to the Hotline]. Ms. LaRoy stated that she accessed the case a second time in October 2011 because the Mother was not talking to her (Ms. LaRoy), and she wanted to make sure the children could be placed with her (Ms. LaRoy) if they were being removed from the Mother’s care. Ms. LaRoy stated that she did not disclose any information about the case to anyone. When shown copies of the Department Security Agreement Forms (CF 114) dated August 26, 2010 and March 11, 2011, Ms. LaRoy confirmed that it was her signature on the forms and that she had received Security Awareness Training.

ADDITIONAL INFORMATION

An OIG review of the Partnership for Strong Families, Inc. subcontract with Devereux Foundation, Inc. determined that references to the Department’s Security Agreement form and procedures relating to the Security Agreement are not current.

An OIG review of Contract #PCM106 between Partnership for Strong Families, Inc. and Devereux Foundation, Inc. revealed that Amendment #1 Article 4, Section V. Information Security Obligations, number 4, states that “The provider shall ensure that all Provider employees who have access to departmental information are provided a copy of CFOP 50-6¹¹ and that they sign the DCF Agreement Form (CF 114), Attachment IV.” Attachment IV reflects the wording in CF 114 dated February 2007.¹²

¹⁰ Effective November 11, 2011, Ms. LaRoy was no longer employed by Devereux.

¹¹ CFOP 50-2, dated March 10, 2009, incorporated CFOP 50-6, dated September 22, 2005, as part of it.

¹² Department Security Agreement Form (CF 114), dated June 2010, replaced the form dated February 2007.

INSPECTOR GENERAL'S COMMENTS

Based on witness testimony, records reviewed, and by her own admission, the information obtained supports the allegation that Devereux Foundation, Inc. Family Care Counselor Mandy LaRoy accessed the Intake Report and Investigation for FSFN #2011-220301 without a legitimate business reason on September 29, 2011 and October 14, 2011.

It is recommended that the Northeast Regional Managing Director review this report, provide a copy of this report to the management of Partnership for Strong Families, Inc. and Devereux Foundation Inc., and ensure that a copy of this investigation be placed in Ms. LaRoy's personnel file.

It is also recommended that the Northeast Regional Managing Director review the Additional Information section of this report and request that Partnership for Strong Families, Inc. management review the agency's subcontract templates to ensure that current Department policies and forms are referenced.

In compliance with §20.055(6)(e), Florida Statutes, a copy of this report was provided to Ms. LaRoy on March 26, 2012. No response was received from Ms. LaRoy.

This investigation has been conducted in accordance with the ASSOCIATION OF INSPECTORS GENERAL Principles & Quality Standards for Investigations.